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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------|------------------|
| 09/826,052 | 04/03/2001 | Joseph E. McIsaac | 57673-015 (QUAL-110) | 2356 |
| 35893 | 7590 | 10/04/2006 | EXAMINER | |
| GREENBERG TRAURIG, LLP ONE INTERNATIONAL PLACE, 20th FL ATTN: PATENT ADMINISTRATOR BOSTON, MA 02110 | | | | BACKER, FIRMIN |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3621 | |

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/826,052 | MCISAAC ET AL. |
| | Examiner | Art Unit |
| | FIRMIN BACKER | 3621 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 1-27 are pending in the Application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 12, 15 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1, 15 and 26 recites the limitation "the buyer information otherwise not being provided to the merchant server." It is not clear as to what is being provided to the merchant server since applicant disclosed above that encrypted buyer information is transferred to the merchant server.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tsuei et al (U.S. PG Pub No. 2004/0260953).
8. As per claims 1, 15, Tsuei et al teach a merchant server system including a computer processor and associated memory, the merchant server system offering items for sale (*see paragraph 0013-0030*)
a buyer system including a computer processor and associated memory, the buyer system being selectively coupled to the merchant server system over the communication network to initiate a transaction, wherein, during the transaction, the buyer system selects one or more of the items for purchase (*see paragraph 0013-0030*)
a security server system distinct from the merchant server system and including a computer processor and associated memory and an encryption device, the security server system receiving buyer information from the buyer system, encrypting the buyer information in an encryption key that prevents the merchant server system from decrypting the buyer information transferring the encrypted buyer information to the merchant server system, the buyer

information being otherwise not provided to the merchant server (*see paragraph 0013-0030, 0074-0091*)

a third server system including a computer processor and associated memory, the third server system being selectively coup able to the merchant server system, wherein the merchant server system transmits at least a portion of the encrypted buyer information to the third server system for processing during the transaction. (*see paragraph 0013-0030, 0074-0091*)

9. As per claims 2 and 16, Tsuei et al further discloses a system wherein the third server system is one of a delivery server system and a payment processor server system (*see paragraph 0022*)

10. As per claims 3 and 17, Tsuei et al further discloses a system wherein the encrypted buyer information received by the delivery server system is delivery address information of the buyer (*see paragraph 0029*)

11. As per claims 4 and 18, Tsuei et al further discloses a system wherein the encrypted buyer information received by the payment processor server system is payment information of the buyer (*see paragraph 0022*).

12. As per claims 5 and 19, Tsuei et al further discloses a fourth server system including a computer processor and associated memory, the fourth server system being selectively coup able to one of the merchant server system and the third server system, wherein the one of the

merchant server system and the third server system transmits at least a portion of the encrypted buyer information to the fourth server system for processing during the transaction (*see paragraph 0013-0030, 0074-0091*)

13. As per claims 6 and 20: Tsuei et al discloses the claimed invention except for the wherein the security server system encrypts the buyer information into a first document and a second document, wherein the first document is transmitted to the third server system by the merchant server system and the second document is transmitted to the fourth server system by the merchant server system (*see paragraph 0013-0030, 0074-0091*).

14. As per claims 7 and 21, Tsuei et al discloses a system wherein the security server system encrypts the buyer information into a first document and a second document, wherein the first and second documents are transmitted to the third server system by the merchant server system and the second document is transmitted to the fourth server system by the third server system (*see paragraph 0013-0030*).

15. As per claims 8, 22 and 24, Tsuei et al further discloses a system wherein the third server system is one of a delivery server system and a payment processor server system and wherein the fourth server system is the other of the delivery server system and the payment processor server system, and wherein the first document contains one of the buyer system's delivery address information and the buyer system's payment information and the second document contains the

other of the buyer system's delivery address information and the buyer system's payment information (*see paragraph 0029*)

16. As per claims 9 and 25, Tsuei et al further discloses a system wherein the security server system encrypts the first document using a first encryption key and the second document using a second encryption key, wherein the one of the third server system and the fourth server system that receives the first document can decrypt the first document but not the second document and wherein the other one of the third server system and the fourth server system that receives the second document can decrypt the second document but not the first document (*see paragraph 0013-0030, 0074-0091*)

17. As per claims 10 and 23, Tsuei et al further discloses a system wherein the third server system is one of a delivery server system and a payment processor server system and wherein the fourth server system is the other of the delivery server system and the payment processor server system, and wherein the first document contains one of the buyer system's delivery address information and the buyer system's payment information and the second document contains the other of the buyer system's delivery address information and the buyer system's payment information (*see paragraph 0029*)

18. As per claim 11, Tsuei et al further discloses a system wherein the security server system encrypts the first document using a first encryption key and the second document using a second encryption key, wherein the one of the third server system and the fourth server system that

receives the first document and second documents from the merchant server system can decrypt the first document but not the second document and wherein the other one of the third server system and the fourth server system that receives the second document can decrypt the second document but not the first document (*see paragraph 0013-0030, 0074-0091*).

19. As per claim 12, Tsuei et al discloses

a merchant server system including a computer processor and associated memory, the merchant server system offering items for sale (*see paragraph 0013-0030*)

a buyer system including a computer processor and associated memory, the buyer system being selectively coup able to the merchant server system over the communication network to initiate a transaction, wherein, during the transaction, the buyer system selects one or more of the items for purchase (*see paragraph 0013-0030*).

a security server system including a computer processor and associated memory, the security server system being selectively coup able to the buyer system to receive buyer information from the buyer system in the course of the transaction, the buyer information including delivery address information and payment information (*see paragraph 0013-0030, 0074-0091*)

delivery server system including a computer processor and associated memory (*see paragraph 0029*)

a payment processor server system including a computer processor and associated memory (*see paragraph 0022*)

Wherein the security server encrypts and transmits the delivery address information to the delivery system and the payment information to the payment processor server, the buyer information being not provided to the merchant server (*see paragraph 0013-0030, 0074-0091*).

20. As per claim 13, Tsuei et al further discloses wherein the security server system encrypts the delivery address information into a first document and encrypts the payment information into a second document (*see paragraph 0029*)

21. As per claim 14, Tsuei et al discloses a system wherein the security server system transmits the first and second documents to the merchant server system, which transmits the first document to the delivery server system and the second document to the payment processor server system; and wherein the merchant server system is incapable of decrypting the first and second documents (*see paragraph 0013-0030, 0074-0091*).

22. As per claim 26, Tsuei et al discloses a merchant server system including a computer processor and associated memory, the merchant server system offering items for sale (*see paragraph 0013-0030*) a buyer system including a computer processor and associated memory, the buyer system being selectively coupled to the merchant server system over the communication network to initiate a transaction, wherein, during the transaction, the buyer system selects one or more of the items for purchase (*see paragraph 0013-0030*).

a security server system including a computer processor and associated memory and an encryption device, the security server system receiving buyer information from the buyer system and forming a merchant document including information regarding the item being purchased, encrypting the buyer information into a payment document including the buyer's payment information and encrypting the buyer information into an address document including the buyer's shipping address (*see paragraph 0013-0030, 0074-0091*)

the security server system transferring the buyer information to a first one of the merchant server system, a payment server system and a delivery server system, wherein the first system removes the document associated with the first system and transmits the remaining documents to a second one of the merchant server system, the payment server system and the delivery server system, wherein the second system removes the document associated with the second system and transmits the remaining document to a third one of the merchant server system, the payment server system and the delivery server system (*see paragraph 0013-0030, 0074-0091*)

wherein the security server system encrypts the buyer information using an encryption key in which only the payment server system is capable of decrypting the payment document and only the delivery server system is capable of decrypting the address document. (*see paragraph 0029*)

23. As per claim 27, Mital discloses:

A. establishing a connection between a buyer system and a merchant server system over the communications network to initiate a purchase transaction (*see paragraph 0013-0030*)

B. the buyer system selecting an item offered for sale by the merchant server system (*see paragraph 0013-0030*).

C. the buyer system transmitting buyer information to a security server system (*see paragraph 0013-0030, 0074-0091*).

D. the security server system encrypting the buyer information using an encryption key that prevents the merchant server system from decrypting the encrypted buyer information (*see paragraph 0013-0030, 0074-0091*)

E. the security server system transmitting the encrypted buyer information to the merchant server system (*see paragraph 0013-0030*)

F. the merchant server system transmitting at least a portion of the encrypted buyer information to a third server system for processing during the purchase transaction (*see paragraph 0013-0030, 0074-0091*).

G. the third server system decrypting the at least a portion of the encrypted buyer information before processing the information (*see paragraph 0013-0030, 0074-0091*).

24. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

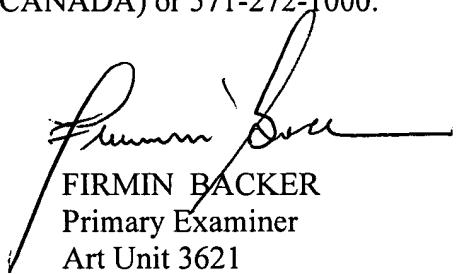
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



FIRMIN BACKER
Primary Examiner
Art Unit 3621

September 8, 2006